

1 AN ACT in relation to the administration and funding of
2 the Illinois Commerce Commission.

3 Be it enacted by the People of the State of Illinois,
4 represented in the General Assembly:

5 Section 5. The Public Utilities Act is amended by adding
6 Section 2-301 as follows:

7 (220 ILCS 5/2-301 new)

8 Sec. 2-301. Filing fees.

9 (a) In addition to any other fees and taxes imposed
10 pursuant to this Act, the Commission is authorized to
11 establish by rule filing fees for the following filings,
12 irrespective of whether those filings are made by electronic
13 means or otherwise:

14 (1) the filing of any rate;

15 (2) the filing of contracts with customers when the
16 filing is required or permitted by this Act or by a rate
17 on file pursuant to this Act;

18 (3) the filing with a public utility's rates of any
19 municipal ordinance, as required by this Act or by rule
20 of the Commission;

21 (4) the filing of any petition or application for
22 special permission for the filing of such tariffs,
23 contracts, or ordinances;

24 (5) the filing of any annual report required by
25 this Act or by rule of the Commission;

26 (6) the filing of any annual certification required
27 by this Act or by rule of the Commission; and

28 (7) the filing of any application, petition,
29 complaint, negotiated agreement, arbitrated agreement, or
30 any other pleading, document, or writing that initiates a
31 contested case, licensing proceeding, rulemaking, rate

1 proceeding, declaratory ruling proceeding, or other
2 formal Commission proceeding, except a proceeding
3 initiated by the Commission itself.

4 The Commission may provide by rule for reasonable waivers
5 of, or reductions in, these fees. All such waivers or
6 reductions must apply equally to all public utilities and
7 telecommunications carriers. The Commission shall provide by
8 rule that no filing fees shall be charged under this Section
9 to any municipality, county, or "statutory consumer
10 protection agency" as that term is defined in Section 9-102.1
11 of this Act.

12 (b) The initial fees established by the Commission shall
13 be set at amounts reasonably calculated, on the basis of
14 reasonable projections based upon information for the most
15 recent 12-month period available at the time the Commission's
16 rules are proposed, to produce revenues equal to \$500,000 per
17 year. The Commission may amend the rules as necessary to
18 adjust the fees to reflect reasonable projections based upon
19 newer information as it becomes available to produce revenues
20 of \$500,000 per year. This shall not be a limitation on the
21 amount of fees actually collected by the Commission under
22 this Section. All fees collected by the Commission under this
23 Section shall be deposited in the Public Utility Fund in the
24 State treasury. The Commission shall account separately for
25 all moneys received under this Section, and shall expend
26 those moneys only for the purposes of creating and
27 maintaining one or more electronic systems for the filing,
28 maintenance, storage, and retrieval of documents and
29 information, including without limitation rates, contracts,
30 ordinances, reports, certifications, petitions, applications,
31 complaints, negotiated agreements, arbitrated agreements,
32 pleadings, writings, and all evidence and documents that are
33 part of the Commission's record in formal proceedings. Moneys
34 received by the Commission under this Section shall not at

1 any time be appropriated or diverted to any other use or
2 purpose.

3 (c) Upon failure to pay an applicable filing fee for any
4 document under this Section, the Commission shall neither
5 allow the filing nor entertain a proceeding concerning the
6 document. No prescribed time limit imposed on the Commission
7 or its proceedings begins to run until the applicable filing
8 fee is paid. In addition, and without limiting any power of
9 the Commission under any other Section of this Act to revoke,
10 rescind, or reconsider any certificate issued under this Act,
11 failure to pay any filing fee for an annual report or annual
12 certification required by this Act or by Commission rule
13 shall be grounds for the revocation or suspension of the
14 non-paying entity's certificate of public convenience and
15 necessity, certificate of service authority, certificate
16 authorizing operations as a common carrier by pipeline, or
17 other franchise, license, permit, or right to own, operate,
18 manage, or control any public utility, telecommunications
19 carrier, common carrier by pipeline, or alternative retail
20 electric supplier.

21 (d) This Section is repealed effective July 1, 2008. If
22 the Commission has collected fees in an aggregate amount that
23 equals or exceeds \$2,500,000 before July 1, 2008, it shall
24 cease to collect fees under this Section as soon as is
25 practicable, but in no event later than 45 days after the
26 aggregate amount collected equals or exceeds \$2,500,000.

27 Section 99. Effective date. This Act takes effect upon
28 becoming law.